S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4629/2007
(Lakhvindra Singh @ Lakha Vs. State of Rajasthan)

DATE OF ORDER : 19/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Manish Dadhich for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the field from which the alleged recovery of illicit liquor of two bottles was made is jointly owned by many persons and the petitioner is one of the sharer and it cannot be said that the petitioner was in exclusive possession of the field.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Lakhvindra Singh @ Lakha S/o Shri Surjeet Singh in FIR No. 2/2007 P.S. Excise Khajuwala, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing

of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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